

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

AMY FAIRBROTHER ROGERS,
a.k.a. AMY ROGERS
135-137 Redwood Avenue, Apt. 7
Corte Madera, CA 94925

Respondent.


Case No. AL 2007-227

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy as its Decision in this matter.

This Decision shall become effective on initial date of licensure.

It is so ORDERED September 3, 2009.


FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
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7 *Attorneys for Complainant*

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9 BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. AL 2007-227

12 AMY FAIRBROTHER ROGERS,
13 a.k.a. AMY ROGERS
2010 Shady Lane
14 Novato, CA 94945

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Heather Martin ("Complainant") is the Executive Officer of the California Board of
21 Occupational Therapy. She brought this action solely in her official capacity and is represented
22 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Janice K.
23 Lachman, Supervising Deputy Attorney General.

24 2. Respondent Amy Fairbrother Rogers, also known as Amy Rogers ("Respondent"), is
25 representing herself in this proceeding and has chosen not to exercise her right to be represented
26 by counsel.

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3. On or about July 30, 2008, Respondent filed an application dated July 21, 2008, with the California Board of Occupational Therapy to obtain an Occupational Therapist License.

JURISDICTION

4. Statement of Issues No. AL 2007-227 was filed before the California Board of Occupational Therapy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on June 25, 2009. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL 2007-227 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. AL 2007-227. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. AL 2007-227.

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1 9. Respondent agrees that her occupational therapist license is subject to denial and she
2 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
3 below.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board. Respondent understands
6 and agrees that counsel for Complainant and the staff of the Board may communicate directly
7 with the Board regarding this stipulation and settlement, without notice to or participation by
8 Respondent. By signing the stipulation, Respondent understands and agrees that she may not
9 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
10 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
11 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
12 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
13 be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
15 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
16 effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that the application of Respondent Amy Fairbrother Rogers,
22 also known as Amy Rogers, for licensure as an occupational therapist is hereby granted. Upon
23 successful completion of the licensure examination and all other licensing requirements, an
24 occupational therapist license shall be issued to Respondent. Said license shall automatically be
25 revoked, the order of revocation stayed, and Respondent placed on probation for a period of three
26 (3) years on the following terms and conditions:

27 1. Obey All Laws. Respondent shall obey all federal, state and local laws and
28 regulations governing the practice of occupational therapy in California. Respondent shall

1 submit, in writing, a full detailed account of any and all violations of the law to the Board within
2 five (5) days of occurrence.

3 2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully
4 comply with the terms and conditions of probation established by the Board and shall cooperate
5 with representatives of the Board in its monitoring and investigation of the respondent's
6 compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall
7 submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained
8 from the Board.

9 3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall
10 report to and make personal appearances at times and locations as the Board may direct.

11 4. **Notification of Address and Telephone Number Change(s).**

12 Respondent shall notify the Board, in writing, within five (5) days of a change of residence
13 or mailing address, of her new address and any change in work and/or home telephone numbers.

14 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

15 In the event respondent should leave California to reside or to practice outside the State for
16 more than thirty (30) days, respondent shall notify the Board or its designee in writing within ten
17 (10) days of the dates of departure and return. All provisions of probation other than the quarterly
18 report requirements, examination requirements, and education requirements, shall be held in
19 abeyance until respondent resumes practice in California. All provisions of probation shall
20 recommence on the effective date of resumption of practice in California.

21 6. **Notification to Employer(s).** When currently employed or applying for employment
22 in any capacity in any health care profession, Respondent shall notify her employer of the
23 probationary status of respondent's license. This notification to the current employer shall occur
24 no later than the effective date of the Decision. Respondent shall notify any prospective health
25 care employer of her probationary status with the Board prior to accepting such employment.
26 This notification shall be made by providing the employer or prospective employer with a copy of
27 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

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1 Respondent shall cause each health care employer to submit quarterly reports to the Board.
2 The reports shall be on a form provided by the Board, shall include a performance evaluation and
3 such other information as may be required by the Board.

4 Respondent shall notify the Board, in writing, within five (5) days of any change in
5 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
6 terminated from any occupational therapy or health care related employment with a full
7 explanation of the circumstances surrounding the termination.

8 **7. Employment Requirements and Limitations.** During probation, respondent shall
9 work in her licensed capacity in the State of California. This practice shall consist of no less than
10 (6) continuous months and of no less than twenty (20) hours per week.

11 While on probation, respondent shall not work for a registry or in any private duty position,
12 except as approved, in writing, by the Board. Respondent shall work only on a regularly
13 assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except
14 as approved, in writing, by the Board.

15 **8. Supervision Requirements.** Respondent shall obtain prior approval from the Board,
16 before commencing any employment, regarding the level of supervision provided to the
17 respondent while employed as an occupational therapist or occupational therapy assistant.

18 Respondent shall not function as a supervisor during the period of probation except as
19 approved, in writing, by the Board.

20 **9. Continuing Education Requirements.** Respondent shall complete six (6) hours of
21 continuing education course work in the area of Law and Ethics and three (3) hours of continuing
22 education course work in the area of Documentation. Such continuing education shall be
23 completed within three (3) months of the effective date of the Decision.

24 The continuing education course work shall be in addition to the professional development
25 activities required for license renewal. Within thirty (30) days of the Board's written notification
26 of the assigned course work, Respondent shall submit a written plan to comply with this
27 requirement. The Board shall approve such plan prior to enrollment in the course of study.

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1 Failure to satisfactorily complete the required continuing education as scheduled shall
2 constitute a violation of probation. Respondent is responsible for all costs of such continuing
3 education. Upon successful completion of the course(s), respondent shall cause the instructor to
4 furnish proof to the Board within thirty (30) days of course completion.

5 10. **Maintenance of Valid License.** Respondent shall, at all times while on probation,
6 maintain an active current license with the Board, including any period during which license is
7 suspended or probation is tolled.

8 11. **Cost Recovery Requirements.** Respondent shall reimburse the Board for its costs in
9 the amount of \$898 for the investigation and enforcement of this matter pursuant to Business and
10 Professions Code section 125.3. Failure to make payments in accordance with any formal
11 agreement entered into with the Board or pursuant to any Decision by the Board shall be
12 considered a violation of probation.

13 Except as provided above, the Board shall not renew or reinstate the license of any
14 respondent who has failed to pay all the costs as directed in a Decision.

15 12. **Violation of Probation.** If respondent violates probation in any respect, the Board,
16 after giving respondent notice and opportunity to be heard, may revoke probation and carry out
17 the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed
18 against respondent during probation, the Board shall have continuing jurisdiction until the matter
19 is final, and the period of probation shall be extended until the matter is final.

20 13. **Completion of Probation.** Upon successful completion of probation, respondent's
21 license will be fully restored.

22 ACCEPTANCE

23 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
24 stipulation and the effect it will have on my Occupational Therapist License. I enter into this

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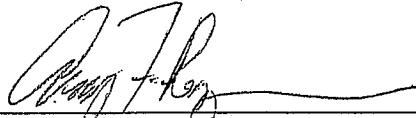
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1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the California Board of Occupational Therapy.

3
4 DATED: 7/7/09


AMY FAIRBROTHER ROGERS,
a.k.a. AMY ROGERS
Respondent

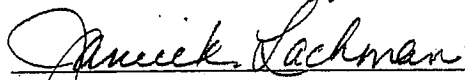
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7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the California Board of Occupational Therapy of the Department
10 of Consumer Affairs.

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12 Dated: Aug 4, 2009

Respectfully Submitted,

13 EDMUND G. BROWN JR.
14 Attorney General of California
15 ALFREDO TERRAZAS
16 Senior Assistant Attorney General


17 JANICE K. LACHMAN
18 Supervising Deputy Attorney General
19 Attorneys for Complainant
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